

PLANNING AND ZONING COMMISSION
STAFF REPORT

February 5, 2009



Planning Variance PV 09-07: NW Sign Industries

CASE DESCRIPTION: a request for approval of a 14.68-foot variance from the 10-foot limitation on the height of freestanding signs on properties located in the F.M. 158 Corridor Overlay District that are zoned Retail District (C-2), to allow a new freestanding sign proposed to be 24.68 feet in height on the subject property

LOCATION: 2335 Boonville Road near the northwest corner of Boonville Road and Austin Colony Parkway in Bryan, Brazos County, Texas

LEGAL DESCRIPTION: Lot 3 in the Colony Park Shopping Center Subdivision

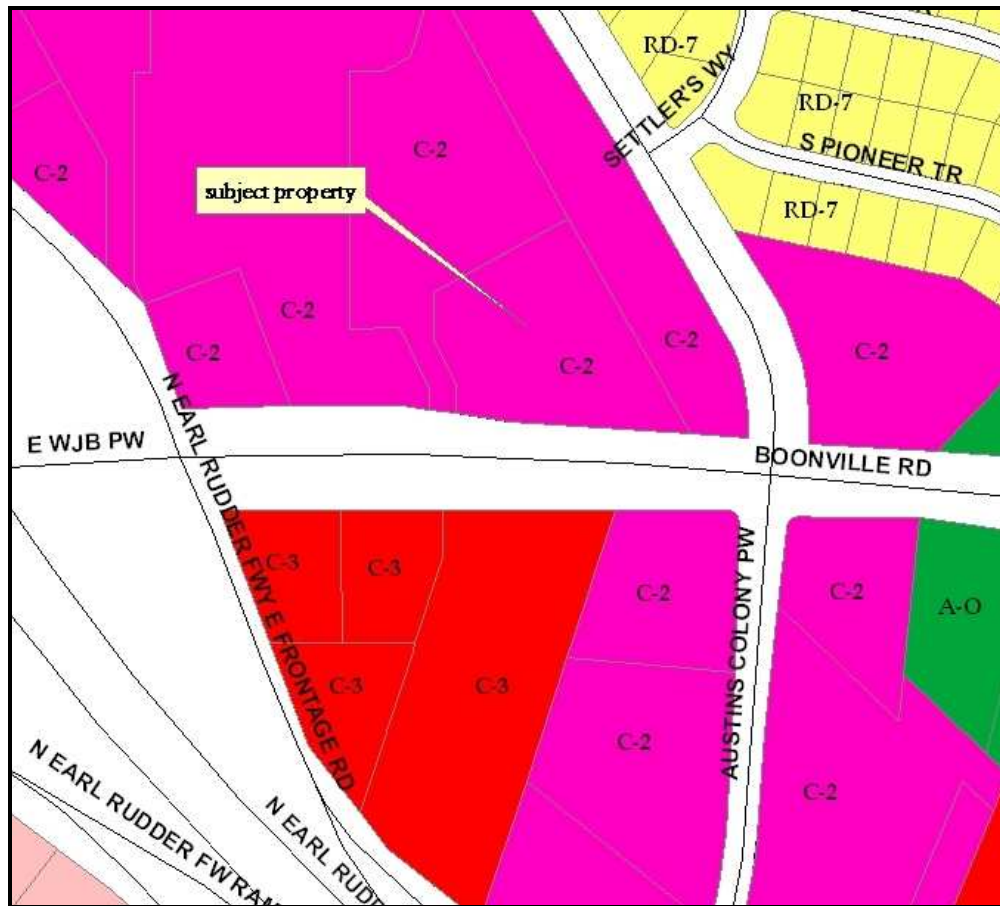
EXISTING LAND USE: vacant lot where a new retail bank facility is currently under construction

STAFF CONTACT: Martin Zimmermann, Planning Administrator

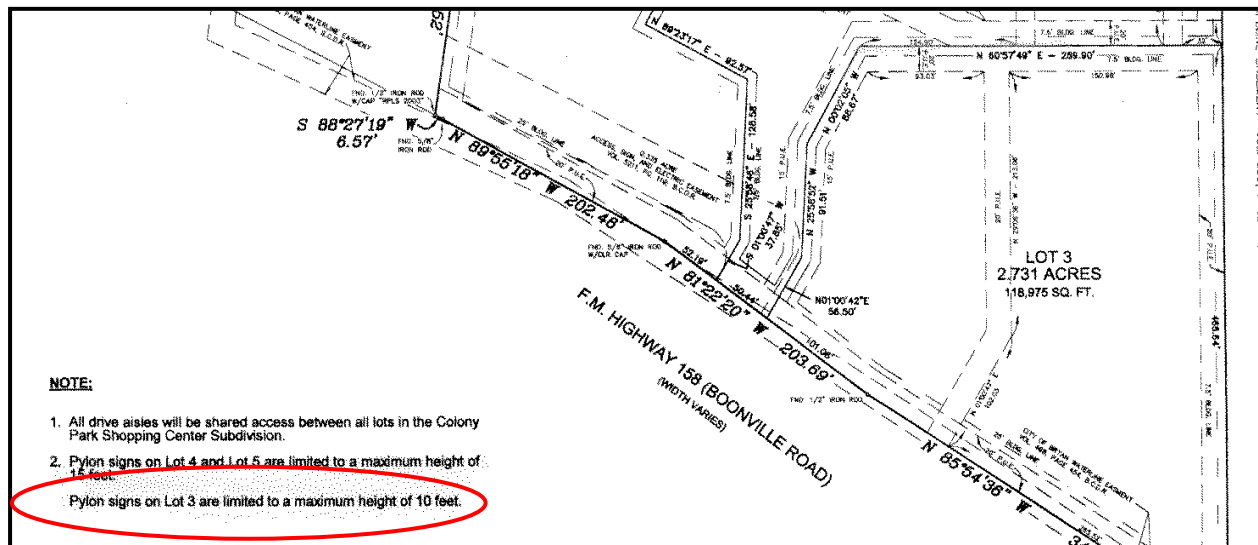
SUMMARY RECOMMENDATION: Staff recommends **denying** the requested variance.



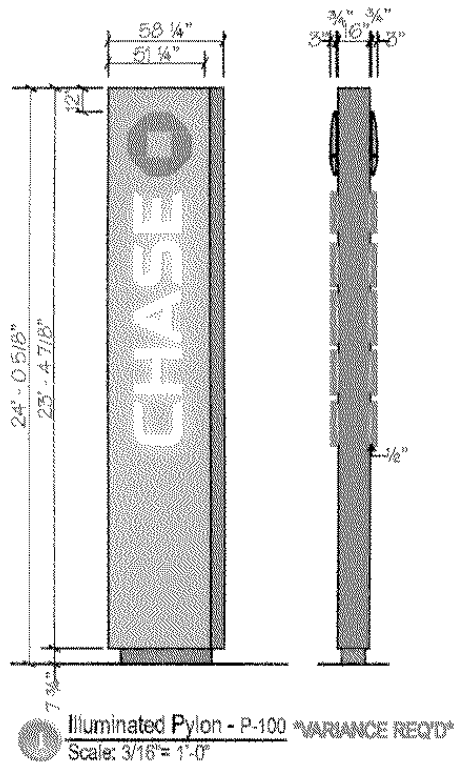
ZONING MAP:



EXCERPT FROM SUBDIVISION PLAT:



PROPOSED SIGN DETAIL AND LOCATION:



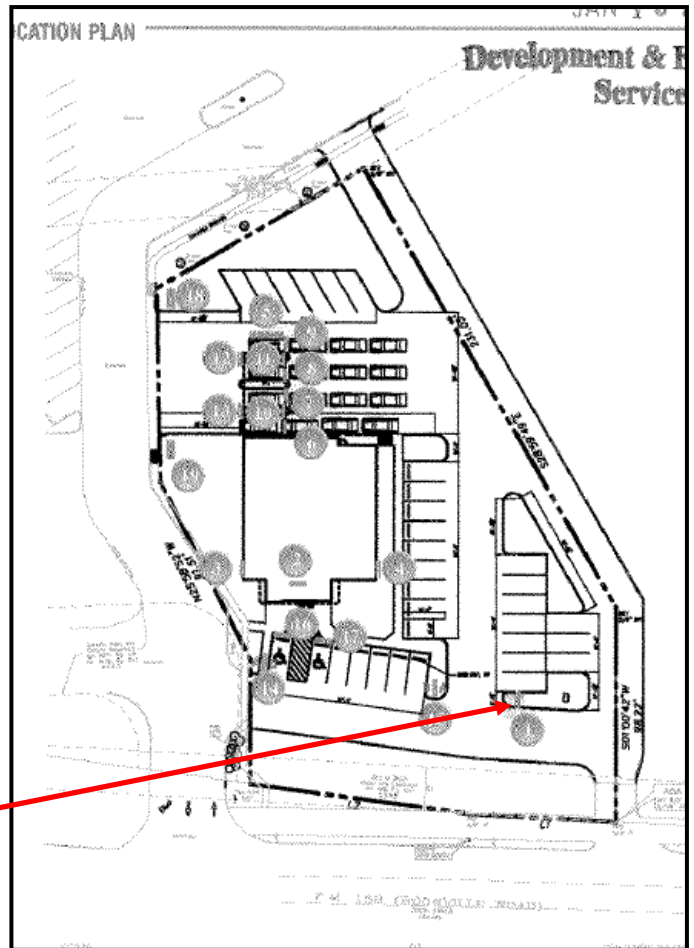
NOTES:

D/F internally illuminated Pylon. Routed aluminum face finished MP19891 it nickel. Base finished MP18248 Dk nickel. Fabricated letters with white acrylic faces and blue returns finished PMS 300 blue. Formed ACRYSTEEL 6046 Blue acrylic logo. Angled side light panels with ACRYSTEEL 6046 blue acrylic.

NOTE:

UL LABELS ARE TO BE PLACED ON THE SIDE OF THE SIGN, SO THEY ARE VISIBLE TO CITY INSPECTORS.

proposed freestanding
sign location



BACKGROUND:

The subject property is located in the Colony Park Shopping Center Subdivision near the intersection of North Earl Rudder Freeway and Boonville Road (F.M. 158). This property as well as most surrounding properties at this busy intersection are zoned Retail District (C-2). In addition, land on either side of F.M. 158 in this vicinity, including the subject property, lies within the F.M. 158 Corridor Overlay District. That corridor overlay district extends along F.M. 158 for approximately 6.5 miles from 200 feet west of its intersection with East Villa Maria Road to the current city limits at Cole Lane.

The applicants, NW Sign Industries, desire to install a new free-standing sign advertising the location of "Chase Bank" on the subject property, where a new bank building and parking lot are currently under construction. The proposed sign is planned to be 24.68 feet in height.

Standards guiding the height and other aspects of the placement of signs within the city are contained in the Sign Ordinance (Chapter 98 of the Bryan Code of Ordinances). Sign regulations are administered and enforced by the Chief Building Official. However, Section 62-531 of the Land and Site Development Ordinance contains additional, more restrictive standards for signs in the F.M. 158 Corridor Overlay District. Subsection 62-531(f) limits the height of signs to 10 feet on properties zoned C-2 District and located in the corridor overlay district. A note on the subdivision plat of the Colony Park Shopping Center Subdivision, recorded in March 2006, also references the 10-foot height limitation for this lot.

The applicant is requesting a 14.68-foot variance from this standard to be able to install the proposed sign. An elevation view of the proposed sign accompanies this report.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from Corridor Overlay District standards stipulated in Article VIII of the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

Staff is unable to identify any special circumstances or conditions regarding this property that would not apply to other similarly situated properties in the F.M. 158 Corridor Overlay District where the same sign height standards apply. On the application form (attached to the end of this report), the applicants cite the 25-foot landscape buffer that is required along the front property line as creating a condition that would cause a 10-foot sign to not be visible from Boonville Road. That may or may not be true; however, this development standard applies to all C-2-zoned properties in the corridor overlay district. Any hardship suffered here would be the same everywhere else. Development standards do not prohibit a 10-foot sign adjacent to the 25-foot buffer area.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

Staff contends that each business has a right to communicate to the public, but believes that a variance from applicable sign height standards is not necessary for the preservation and

enjoyment of this particular property. The purpose of corridor overlay districts in Bryan is to exercise greater control over the aesthetic and functional characteristics of development along major thoroughfares, including F.M. 158/Boonville Road which serves as a major entrance to the community. Limitations on signage are one component of the corridor standards that are intended to help enhance the city's image.

It is important to note that the applicants have also requested variances from sign regulations limiting the number of "wall signs", i.e. signs that will be attached to the facade of the new bank building, in order to be able to install as many as three wall signs on the south, north and east facade of the new bank building in addition to the freestanding sign for which this sign height variance has been requested. The Building Official administratively approved a second wall sign for the north facade. The City's Sign Board of Appeals is scheduled to consider allowing a third wall sign on the west facade on this new building during the Board's next meeting on February 4, 2009. Please refer to the last page of this report for elevation views of the three proposed wall signs on this property. Staff believes that the new business at this location will have sufficient opportunity to be identified by signage that meets existing City of Bryan sign standards.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Staff does not believe that granting the variance would be detrimental to the public health or safety. Other signs in the area have been installed in accordance with adopted sign regulations and the addition of one extraordinary tall sign should not "tip the balance" and affect health or safety issues. However, the need for a variance from sign height standards, in this particular case, seems to stem from the particular site layout that was proposed by the property owners and approved by the City's Site Development Review Committee. Approving a variance under these circumstances would relieve the applicants from a hardship that is self-imposed, which, staff believes, should not be a reason for granting a variance.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff believes that granting this variance will not have the immediate effect of preventing the orderly development of this property and/or land in this vicinity. However, staff believes that granting the requested variance would undermine corridor overlay district standards that were approved by the City Council and have been in effect since 2004, giving the Commission little justification to deny similar requests under comparable circumstances in the future.

RECOMMENDATION:

Staff recommends **denying** the requested variance.

EXCERPT FROM APPLICANT'S SIGN VARIANCE APPLICATION:

The following page should be completed for all variance requests EXCEPT setback variances. Please proceed to the next page if this request is for a setback variance.

Please describe the type of variance being requested:

We are requesting a variance to allow Chase's Standard Pylon sign at 24' overall height

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:

There is a 25' landscape setback at the front of the property. Due to this landscape setback the only viable place to install the pylon sign so it will not be in the middle of the parking lot is on the proposed median. Installing a 10' monument sign in this location will not be visible to customers on Boonville Rd. Therefore we are requesting the 24' tall pylon

Is the variance necessary for the preservation and enjoyment of substantial property rights:

no

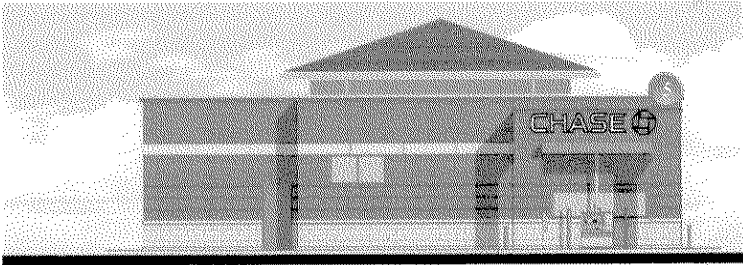
State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:

The pylon sign will be setback approximately 68' behind the club, thus not having any negative effects on any of the surrounding properties in the area.

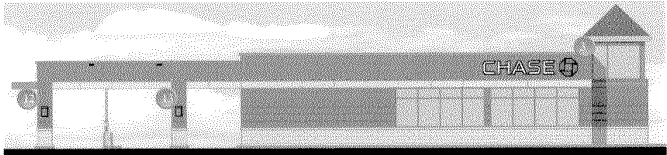
State how this variance will not effect the orderly development of the subject property and/or land in the vicinity in accordance with City of Bryan Ordinances:

This variance will not effect the orderly development of the property or land in the area, as the pylon sign will be set 68' behind the club in the parking lot of the property.

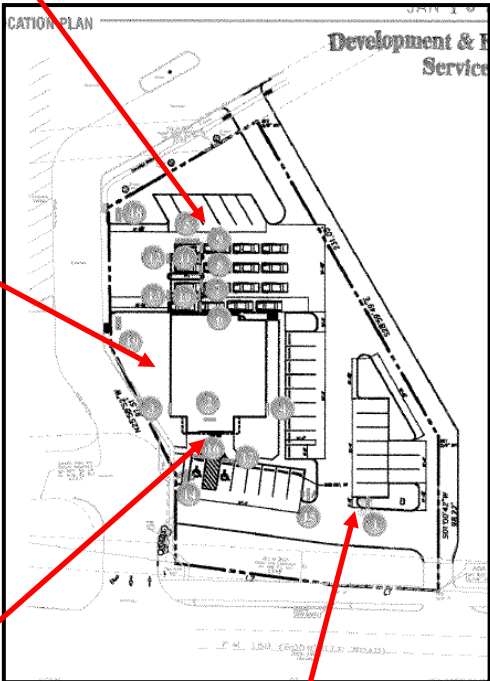
PROPOSED SIGNAGE ON THE SUBJECT PROPERTY:



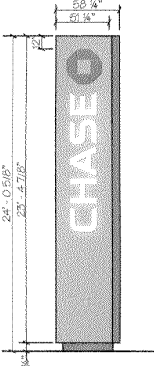
**north facade – sign variance
approved by Building Official**



**east facade – sign variance
pending before Sign Board of Appeals**



south facade – sign permitted



**freestanding sign – sign height
variance pending before Planning
and Zoning Commission**